

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM CUMMINGS,	:	CIV NO. 1:21-CV-1006
	:	
Plaintiff,	:	(Judge Mannion)
	:	
v.	:	(Magistrate Judge Carlson)
	:	
J. SCHICKVAM, et al.,	:	
	:	
Defendants.	:	

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

This lawsuit began on June 7, 2021, when William Cummings, a state prisoner, filed a *pro se* complaint with this court. (Doc. 1). Since that time, Cummings filed numerous documents which purported to amend his complaint in a random, fragmentary and incomplete fashion. This practice continued for three months, during which time Cummings submitted dozens of proposed complaints, despite our repeated admonitions that Cummings should file a single, consolidated complaint setting for all of his allegations. (Docs. 15-57). Eventually, Cummings came into compliance with our directions on October 4, 2021, filing what he has described as a comprehensive proposed amended complaint in this case, a document

which we will treat as the operative pleading in this lawsuit. (Doc. 63). Cummings's amended complaint alleges that prison officials have installed a device which allows them to surreptitiously communicate with Cummings and enables them to read his thoughts and observe him in the most private and intimate of his personal activities. (Id. ¶28, 30, 31, 35). In fact, at various points throughout his amended complaint Cummings states that he is hearing the voices of these correctional staff who are communicating with him through this device. (Id.).

A number of claims and parties set forth in this amended complaint have been dismissed following extended litigation of these matters by the plaintiff. (Doc. 102). The remaining defendants were then served, and counsel entered an appearance on their behalf on July 6, 2022. (Doc. 114). This case was then referred to the undersigned for further pretrial management on July 8, 2022. (Doc. 116). Upon a review of the docket we note that Cummings has filed three different motions styled as sanctions motions. (Docs. 92, 100 and 103). In these motions, Cummings complains about a variety of matters relating to his interactions with staff. Many of these matters seem to be somehow related to the claims in this lawsuit. “[S]anction decisions rest in the sound discretion of the court.” Cartagena v. Serv. Source, Inc., 328 F.R.D. 139, 142 (M.D. Pa. 2018). In this case we view Cummings’

sanctions motions as inextricably intertwined with the merits of his proposed amended complaint. We believe that it is in the interests of justice to endeavor to focus on the merits of Cummings' existing claims before we foray into a new series of allegations by Cummings cloaked as sanctions claims. Therefore, in the exercise of our discretion, we DENY this sanctions motion at this time without prejudice to renewal at a later date once the court has addressed the merits of the underlying amended complaint filed by Cummings.

So ordered this 11th day of July 2022.

S/Martin C. Carlson
Martin C. Carlson
United States Magistrate Judge